

**REMARKS/ARGUMENTS**

Reconsideration of the subject application is respectfully requested. Claims 1-11 and 15-17 are pending in this application.

At the outset, applicant notes with appreciation the interview held with the examiner on August 11, 2004. In line with that interview, claim 3 has been amended to clarify and not limit the invention claimed therein. Support for this amendment is found in the specification, for example, on page 5, line 4. No new matter has been added by the amendment.

Claims 1-11 and 15-17 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Ibrahim (U.S. Patent 5,716,988) in combination with Schilpalus (U.S. Patent 5,897,871) or Blackshear et al (U.S. Patent 4,439,181). For the following reasons, applicant respectfully requests the withdrawal of the rejection.

Neither the primary reference nor the secondary references either individually or in combination disclose or suggest the claimed invention. There are at least three components of independent claim 1 (and all dependent claims) that distinguish the claimed invention over the cited art of record. First, the claimed composition must have a concentration of at least 7 mg/ml. Second, the solvent system of the invention must include one of the solvents recited in claim 1. Third, the composition must be a stable composition with the recited concentration in the recited solvent system. In this regard, and as discussed with the examiner during the examiner interview, the term "stable" in the preamble of the claim is intended to be a limiting term as those skilled in the art would understand. The cited art does not disclose or suggest the combination of the claimed concentration, the claimed solvent system and the stability of the applicant's composition. As correctly noted by the examiner during the interview, the closest prior art

(Ibrahim) does not teach the claimed concentration, does not teach the claimed solvents and does not teach the claimed stable composition. Thus, applicant submits that the claims distinguish over the cited art of record and, accordingly, requests the withdrawal of the rejection.


In view of the foregoing amendments and remarks, applicant submits that this case is in condition for allowance and earnestly solicits a notice to that effect. If the examiner has any questions concerning this case, the undersigned may be contacted at 703-816-4009.

In order to preserve its rights and avoid extension fees, applicant is concurrently filing a Notice of Appeal.

Respectfully submitted,

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